



# **CITY OF FREMONT NEBRASKA**

## **CITY COUNCIL MEETING MINUTES**

**November 26, 2019**

**City Council Chambers 400 East Military, Fremont NE**

**REGULAR MEETING – 7:00 P.M.**

**PUBLIC COMMENT – 6:30 P.M.**

**AMENDED AGENDA**

### **REGULAR MEETING:**

1. Meeting called to order. Mayor Getzschman opened the Public Comment period and comments were made. Three people spoke and the topics included “LifeHouse housing project” and “various” topics; no comment cards were received. After the Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 Councilmembers present.
3. Mayor comments  
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)
4. Motion to adopt current agenda for November 26, 2019 Regular Meeting. Council Member Kuhns moved, seconded by Council Member Legband to adopt the agenda for the November 26, 2019 City Council Meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
5. Recertification Presentation for Economic Development Certified Community with Lt. Governor Mike Foley. Mayor Getzschman stated that the item was canceled due to weather.
6. Executive Session to discuss threatened or potential litigation. Moved by Council Member Jensen, seconded by Council Member Kuhns to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest to include legal, City Administrator, IT director and Assistant City Administrator for Utilities. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. The Mayor stated the pending motion was to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. The Mayor stated that there was a motion to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be

limited to threatened or potential litigation. No official actions or votes will be taken during the executive session. Time in: 7:05 p.m.

Moved by Council Member Bechtel, seconded by Council Member McClain to come out of executive session where no official actions or votes were taken. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Time out: 7:32 p.m.

### **PUBLIC HEARINGS:**

7. Ordinance 5517 to create a clean energy assessment district; to establish definitions; to provide for the financing, administration, and collections, to promote energy efficiency improvements and renewable energy systems known as Property Assessed Clean Energy (PACE) District (second reading). Council Member Yerger moved, seconded by Council Member Jacobus to continue the item including the public hearing to the next City Council meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

**CONSENT AGENDA:** Council Member Jensen moved, seconded by Council Member Legband to approve consent agenda items 9-14, 16 and 18. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

9. Dispense with and approve November 12, 2019 City Council Meeting Minutes and Community Development Agency Meeting Minutes
10. Resolution 2019-241 to accept Sid Dillon Fleet UNL Contract #3085-19-2510 quote for 1 (ONE) new 1-ton truck for the Parks Department
11. Resolution 2019-242 to accept Sid Dillon Fleet UNL Contract #3085-19-2510 quote for 1 (ONE) new ¾-ton truck for the Parks Department
12. Resolution 2019-243 authorizing the purchase of Aviation General Liability Insurance with Ace Property and Casualty Insurance Company
13. Resolution 2019-244 to ratify the elections of the League Association of Risk Management (LARM) Board of Directors
14. Consideration of excavation/asphalt/concrete license application(s)
16. Resolution 2019-246 authorizing bid waiver/sole source purchase of one Zoll X-Series Heart Monitor/Defibrillator from the Zoll Medical Corporation
18. Motion to set time for December 30, 2019 City Council Meeting to 5:30 p.m. to conduct automatic clearing house transactions on December 30, 2019

### **ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:**

8. Motion to approve November 12, 2019 through November 26, 2019 claims and authorize checks to be drawn on the proper accounts. Council Member McClain moved, seconded by Council Member Kuhns to approve November 12, 2019 through November 26, 2019 claims and authorize checks to be drawn on the proper accounts. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Legband. Abstention: Jacobus. Motion carried.
15. Resolution 2019-245 authorizing the purchase of enhanced terms including business interruption,



dependent business interruption, and system failure to the City's insurance coverages for the cyber liability policy with Beazley and issued through the League Association of Risk Management (LARM). Council Member Yerger moved, seconded by Council Member Jacobus to amend the Resolution to remove the whereas statement that includes Utility and Infrastructure Board reviewed and recommends approval of the enhancements to the cyber liability policy because we have no minutes or recorded vote. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus. Nays: McClain, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to approve Resolution 2019-245 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

17. Receive Local Option Economic Development Fund (LB840) Quarterly Report. Council Member Jensen moved, seconded by Council Member Yerger to receive Local Option Economic Development Fund (LB840) Quarterly Report. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
19. Receive Traffic Committee Report and consider Resolution 2019-247 authorizing placement of a stop sign at Lincoln Ave. and 26<sup>th</sup> St. Council Member Yerger moved, seconded by Council Member Legband to receive Traffic Committee Report and Approve Resolution 2019-247. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

**UNFINISHED BUSINESS: requires individual associated action**

20. Ordinance 5512 amending Chapter 3, Section 3-230 of the Fremont Municipal Code titled Municipal Sewerage System; charge and considerations for connections (second reading). Council Member Yerger moved, seconded by Council Member Bechtel to continue the item to the first City Council Meeting in January. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Legband. Nay: Jacobus. Motion carried.
21. Ordinance 5507 amending Exhibit B of Ordinance 5427 Section 11-504.01 regarding placement and density of multifamily dwellings (final reading). Council Member Jensen moved, seconded by Council Member Legband to receive copy of the original Ordinance 5507 into the record. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Jensen to amend Ordinance 5507 to strike the second and third paragraph. Ayes: McClain, Jensen, Jacobus. Nays: Ellis, Kuhns, Bechtel, Yerger, Legband. Motion failed. Council Member Legband moved, seconded by Council Member McClain to amend the Original Ordinance 5507 to remove AR. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Yerger, Jensen, Jacobus. Motion carried. Council Member Legband moved, seconded by Council Member McClain to approve final reading of the original Ordinance 5507 as amended. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Yerger, Jensen, Jacobus. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Yerger, Jensen, Jacobus. Ordinance 5507 is approved.
22. Ordinance 5516 annexing by voluntary petition 2.821 acres of property described as a tract of land being a portion of lot 8, poultry complex addition generally situated on the south side of Cloverly Rd., approximately 195 feet east of S. Main Street (second reading). Council Member Yerger moved, seconded by Council Member Legband to approve second reading of Ordinance 5516. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.
23. Ordinance 5515 detaching property consisting of 12.34 acres generally situated east of South Main St.

and north of Farm Hills Rd. (second reading). Council Member Jensen moved, seconded by Council Member Legband to approve second reading of Ordinance 5515. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.

24. Ordinance 5513 to rezone property associated with Brooks Hollow generally located at Aberdeen Street and Peterson Avenue, from R Rural to SR Suburban Residential (second reading). Council Member Kuhns moved, seconded by Council Member Jacobus to hold second reading of Ordinance 5513. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried.
25. Ordinance 5514 annexing by voluntary petition Brooks Hollow Second Addition (second reading). Council Member Kuhns moved, seconded by Council Member Legband to approve second reading of Ordinance 5514. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.

**NEW BUSINESS: requires individual associated action**

26. Ordinance 5518 repealing and replacing Chapter 3, Article 7 Section 3-701 of the Fremont Municipal Code titled Municipal Library; operation and funding (first reading). Council Member Yerger moved, seconded by Council Member Jacobus to receive revised Ordinance language for library operations. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to continue the item to the first City Council Meeting in December. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
27. Ordinance 5519 pertaining to the sale and conveyance of real estate, a portion of Lot 4 of the Nelson Business Park owned by the City of Fremont, Nebraska to Del Peterson and Associates, Inc., a, Nebraska Corporation, pursuant to Nebraska law (first reading). Council Member Jacobus moved, seconded by Council Member Jensen to continue Ordinance 5519. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
28. Adjournment. Council Member Jensen moved, seconded by Council Member Legband to adjourn at 9:44 p.m. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

APPROVED AND ACCEPTED THIS 10TH DAY OF DECEMBER AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR NOVEMBER 26, 2019.

  
Tyler Picken, City Clerk

  
Scott Getzschman, Mayor